

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

AN ORDINANCE OF THE COUNTY OF LEWIS,)
ESTABLISHING A UTILITY DIVISION WITHIN THE) ORDINANCE NO. 1215
DEPARTMENT OF PUBLIC WORKS, CREATING)
AN ADMINISTRATOR FOR MANAGEMENT AND)
OPERATION OF A UTILITY DIVISION AND)
ADOPTING UTILITY REGULATIONS)
UNDER TITLE 13, LEWIS COUNTY CODE)

WHEREAS, Lewis County has need for public utilities to serve local areas with water, sewer and stormwater management to support growth and development consistent with the Lewis County Comprehensive Plan; and

WHEREAS, there is an immediate need to provide water service in the City of Vader in order to correct health and safety deficiencies; and

WHEREAS, Chapter 36.94, Revised Code of Washington, authorizes a county utility division and prescribes the requirements for the establishment thereof; and

WHEREAS, notice of intent to adopt this Ordinance was published in the *East County Journal* on July 14th and 21st, 2010, and in the *Chronicle* on July 14th and 21st, 2010 and a public hearing was held on July 26, 2010, to take public testimony concerning this ordinance; and

WHEREAS, it appears to be in the best interest of the citizens of Lewis County to establish a utility division for the management and operation of public utilities within Lewis County and to address the immediate needs of the City of Vader, the south county subarea, Packwood, Onalaska and other areas where public utilities may be appropriately provided by the County, including, but not limited to the eventual ownership and operation of the Vader water supply system as a Lewis County utility; NOW THEREFORE,

BE IT ORDAINED by the Board of County Commissioners of Lewis County, Washington as follows:

Section 1: The Board of Lewis County Commissioners creates within the Department of Public Works, a *Utility Division* consistent with and under authority of RCW 36.94.120, for the purposes of establishing, operating, and maintaining

public systems for water supply, treatment and distribution and wastewater (sewer) and stormwater collection and treatment.

Section 2: The Board of Lewis County Commissioners creates the job-position of Administrator for management of the Utility Division, consistent with the requirements of RCW 36.94.120 and appoints the Director of Public Works to said position. The Board conveys to the Director of Public Works such duties, responsibilities and authority as are necessary to manage and operate county utilities consistent with state law and policies, and with rules and regulations as may be adopted by Lewis County for the purpose of management and operation of public utilities operated by the Lewis County Public Works Utility Division.

Section 3: Lewis County adopts the utility rules and regulations (attached as *Title 13, Public Utilities: Water, Sewer, Stormwater -- Attachment A*). Consistent with the guidelines and requirements of Chapters 36.94 RCW, Lewis County adopts such and the same shall be codified as Title 13, LCC.

Section 4: The Board of County Commissioners authorizes the creation of a separate utility fund and any other necessary provisions for the proper operation and management of the utility system, including the collection of revenue, accounting and expenditure of such funds as may be necessary for planning, designing, engineering, construction and operation of said water supply, treatment and distribution and wastewater (and stormwater) collection and treatment facilities and any other utility system authorized under Chapter 36.94 RCW.

Section 5: The Board of County Commissioners authorizes such agreements and other documents as may be necessary for transfer of the Vader Water and/or Wastewater Systems to Lewis County, consistent with state law, including RCW 36.94.330.

Section 6: Lewis County shall establish, as authorized by law, appropriate rates and assessments as may be necessary for the construction, operation, repair and maintenance of county utilities.

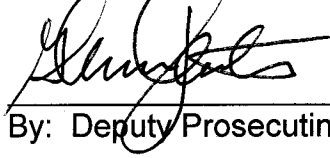
Section 7: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid at law, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 8: This Ordinance shall take effect immediately upon adoption.

PASSED IN REGULAR SESSION THIS 26th day of July, 2010, after a public hearing was held by the Board of County Commissioners on July 26, 2010, pursuant to Notice published in both *The Chronicle and the East County Journal* on July 14 and July 21, 2010.

BOARD OF COMMISSIONERS
LEWIS COUNTY, WASHINGTON

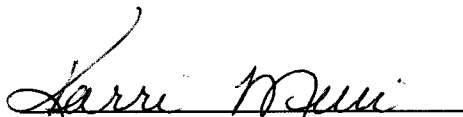
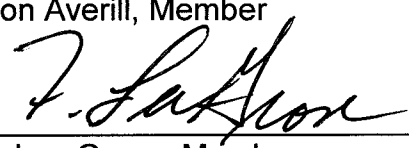
APPROVED AS TO FORM:
Michael Golden, Prosecuting Atty.



By: Deputy Prosecuting Attorney


P.W. Schulte, Chairman
Ron Averill, Member

ATTEST:


Karri Muir, Clerk of the Board
F. Lee Grose, Member

TITLE 13 – PUBLIC UTILITIES

13.05 PURPOSE

The purpose of this title is to establish a comprehensive system to manage, operate, and maintain a county public utility system of sewerage, water and drainage facilities consistent with and under authority of Chapter 36.94 RCW. Chapter 36.94 RCW recognizes that the construction, operation and maintenance of a system of sewerage and water is a county purpose.

13.10 DEFINITIONS

Administrator shall mean the Director of Public Works or his/her authorized designee.

Board shall mean the Lewis County Board of County Commissioners.

Building Sewer shall mean the portion of the sewer line beginning two feet outside the outer foundation wall of the structure and extending to the edge of the right of way with no common sewers discharging into it. The building sewer is owned and maintained by the property owner.

Building Sewer Permit shall mean a permit issued by the Department to monitor and to control work on sanitary side sewers to assure it is performed to specific and general standards.

County shall mean Lewis County, Washington.

Department shall mean the Department of Public Works of Lewis County.

Department of Health (DOH) shall mean the State Department of Health.

Department of Transportation (WSDOT) shall mean the State Department of Transportation.

Design or Construction Standards shall mean department design guidance and other peer reviewed documents generally accepted by the engineering profession as containing fundamental criteria for design and construction of water and sewer facility projects. Design and construction standards are comprised of performance and sizing criteria and reference general construction materials and methods.

Developer shall mean the applicant for any project permit including his successors and assigns.

Director shall mean the Director of Public Works or his/her authorized designee.

Easement shall mean the right granted by a property owner to another to make lawful and beneficial use of a defined area of their property for a specific purpose created through an approved agreement.

Ecology shall mean the State Department of Ecology.

Engineer shall mean a professional engineer licensed in the State of Washington in Civil Engineering.

Equivalent Residential Unit (ERU) shall mean the unit used to calculate water or sewer capacity or consumption. For purposes of Department guidelines:

1. Single Family Residential: one ERU.

Interceptor shall mean a sewer pipe receiving flow from a number of main or trunk sewers, and force mains.

Latecomer shall mean any person who was not an original participant in the construction of a water or sewer system improvement or extension, and who later requests service.

Local Improvement District (LID) shall mean a public improvement provided to a specific area that is specially benefitted and paid by a special assessment of a defined set of property owners benefiting from the improvement.

Private Sewer shall mean any portion of the sewer conveyance system or lines connected thereto, located on private property where no easements are granted to the county. Maintenance of a private sewer will be the responsibility of the property owner(s).

Private Utility System shall mean any water or sewer system which is not part of the utility system described in this title.

Property Owner shall mean the fee owner, except that with respect to property being sold under a real estate contract it means the contract purchaser, and with respect to property subject to a deed-of-trust it means the grantor.

Public Sewer shall mean the portion of the sanitary sewer located within the public right of way or easements that are owned, operated and maintained by the County.

Public Water shall mean the portion of the Class A water system located within the public right of way or easements that are owned, operated and maintained by the County.

ServiceArea shall mean the specific area or areas a water or sewer system currently serves or plans to provide water or sewer service. This may be comprised of the existing service area, retail service area, future service area, and include areas where water is provided to other public water systems.

Sewage shall mean water carrying waste discharged from sanitary facilities.

Sewer Lateral shall mean the section of the sanitary sewer line extending from the county's main to the edge of public right of way.

Sewer Main or Trunk shall mean a sewer pipe that received flow from one or more sewer laterals.

Sewerage shall mean a system of sewers.

Sewerage and/or Water General Plan shall mean the Water System Plan that is required and approved by DOH according to WAC 246-290-100, and the Sewer System Plan that is required and approved by Ecology according to WAC 173-240-050 and WAC 173-240-060. These plans must also be adopted into the Lewis County Comprehensive Plan.

Side Sewer shall mean the same as "Sewer Lateral".

Standard Specifications shall mean the most recent edition of the *Standard Specifications for Road, Bridge and Municipal Construction*, as published by the Washington State Department of Transportation, and the Washington State Chapter of the APWA; *Standard Plans for Road, Bridge and Municipal Construction*; and any amendments.

Utility shall mean a company providing public service including, but not limited to, gas, oil, electric power, street lighting, telephone, telegraph, water, sewer, storm drainage, solid waste, or cable communication, whether or not such company is privately owned or by a governmental entity.

Utility Division shall mean the Utility Division within Lewis County Public Works.

Utility Local Improvement District (ULID) shall mean a public utility improvement provided to a specific area that is specially benefitted and paid by a special assessment of a defined set of property owners benefiting from the improvement. The difference between a LID and ULID is that utility revenues are pledged to the repayment of the ULID debt along with the assessments on the benefitted properties.

Utility Review Committee shall mean a committee created by the Board of County Commissioners pursuant to LCC 13.20.030.

Utility Service Area shall mean that area delineated in Lewis County's water and sewer general plan adopted under Chapter 36.94 RCW, and the area comprised by any utility local improvement district or local improvement district established under Chapter 36.94 RCW.

Utility System shall mean the water or sewer systems owned or managed by the Utility Division. **Water service installation** shall mean that portion of a public water line from a water main or stub line of a water main to the water meter of the customer to be served. A water service installation consists of a saddle, corporation stop, water services line, meter setter, meter, meter box, and appurtenances required to furnish water service.

13.20 GENERAL

13.20.010 Administration. The Board appoints the Director of Public Works to be the Administrator of the Utility Division and delegates, grants and conveys to him or her such duties, responsibilities and authority as are necessary and proper to manage and operate the Utility System consistent with state law and regulations and the rules and regulations adopted by Lewis County. The Administrator is authorized to:

- A. Adopt and implement regulations that are reasonably necessary to implement the provisions of this chapter as established by state statutes and regulations and county ordinances and regulations.
- B. Amend the Design Guidelines in accordance with sound engineering standards and practices.
- C. Administer the planning, design, acquisition, construction, maintenance and operation, capital improvements, and programs of the Utility System.
- D. Establish fees, charges and deposits for installation, inspections, permits and other services with connection fees and usage rates to be set by the Board.
- E. Perform inspections and undertake enforcement as necessary to ensure compliance with this chapter.

13.20.020 Utility Division. For the purpose of carrying into effect the provisions and aims of this article, a Lewis County Utility Division within the Lewis County Department of Public Works is hereby created and established consistent with RCW 36.94.120.

13.20.025 Applicability. The provisions of this chapter shall apply to all properties within the Utility Service Area. No water or sewer service shall be extended beyond the Utility Service Area boundaries as identified in a Sewerage or Water General Plan without proper amendment of such Utility Service Area.

13.20.030 Utility Review Committee. Prior to any establishment, acquisition or construction of a public sewerage or water system, the adoption of a new, amended or revised Sewerage or Water General Plan for that Utility Service Area is required. The Board shall submit the document to a Utility Review Committee with a membership consistent with RCW 36.94.050 for each Plan Area, or create a Utility Review Committee for the entire county. The Utility Review Committee shall be set by Board resolution. If the Board rejects the Sewerage or Water General Plan for that Service Area, then the utility review committee is deemed to be dissolved; otherwise the Utility Review Committee shall continue in existence to review the amendments to the Plan.

13.20.040 Connection fees and rates. Both connection fees and rates for water and sewer service shall be set by the Board by resolution. All charges and rates for installation, inspection, permits and other utility service shall be in accordance with the current Lewis County rate schedule as approved by the Board.

Rates and connection fees shall be uniform as to members of each class of customers or service. The Board may consider the following factors in establishing service rates and fees:

- a. Differences in costs of service to the various customers within and without the Utility Service Area.
- b. Differences in costs of maintenance, operation, repair and replacement of the various portions of the Utility System.
- c. Quantity and quality of the treated sewage and delivered water.
- d. Capital contributions made to the Utility System.
- e. Debt and outstanding loans of the Utility System.
- f. Composition of customer base.
- g. Record of public health violations.
- h. Complexity of the Utility System.

13.20.050 Liability. The Administrator and any other employee charged with enforcement of this chapter shall not be liable personally for any damages that may result to person or property from any act required under this chapter or from any act or omission in the discharge of such duties. Lewis County shall not be liable or responsible for any direct or consequential damage to any person or property caused by any cessation, reduction or shortage of water for water or sewerage service purposes.

13.20.060 Violations and Appeals.

13.20.060(1) General.

- a. Failure to comply with this Title shall be cause for withholding or withdrawing approval of overall project plans, forfeiture of the financial guarantee submitted to the County, and non-acceptance of portions of the work.
- b. The County[Utility Division may require the applicant or property owner to remove or replace illegal utilities and other items associated with this Title that were not properly permitted.
- c. Nothing contained herein supplants or replaces any greater penalty or other remedy provided under state or federal law.

13.20.060(2) Enforcement Actions.

The County shall have the authority to enforce this Title as well as other referenced or pertinent specifications. The Utility Division will appoint project engineers, assistants, and inspectors as necessary to inspect the work and they will exercise such authority as the Administrator may delegate.

13.20.060(3) Stop Work Orders.

- a. Should the County become aware of conditions that invalidate the original design data used to obtain the permit or determine that the applicant is not complying with the conditions of the permit or approved plans, the County may revoke the original permit and order work stopped on the project. Examples of reasons why the County may order all or part of the permitted work stopped include but are not limited to the following:
 - i) The applicant failed to comply with the conditions of the permit.
 - ii) The permit was granted on the basis of erroneous or incomplete information submitted to the Utility Division by the applicant, applicant's engineer, or agent.
 - iii) The weather or weather-related conditions caused offsite or downstream drainage problems.
 - iv) The work has created a condition that is a hazard to life, endangers property, or adversely affects the use or stability of the work.

13.20.060(4) Cease and Desist Orders.

system improvements shall upon completion and written acceptance by the Administrator be conveyed to Lewis County and become part of the Utility System.

13.30.140 Service connections required within local improvement district. Any person having a structure with plumbing fixtures within the boundaries of a county water or sewer LID or ULID shall be required to connect to the system serving such LID or ULID within 60 days after receiving notice from the Department to make such connection, or as specified in applicable LID or ULID ordinance. At the end of such 60-day period the Utility Division shall begin assessing service charges regardless of whether the connection has been made.

13.30.200 Variance. Any applicant may seek modification of the provisions of these guidelines based on extraordinary conditions of topography, access, location, shape, size or other physical features of the site. Written requests must include the technical aspects of the project that necessitates the need for a variance. A variance from design requirements will not be granted based solely on financial or convenience reasons.

No variance will be made that would have the effect of granting a special privilege not shared by other similar properties. The Administrator will determine if the following conditions have been met:

1. There are exceptional or extraordinary conditions that apply to the project property and not to other properties in the vicinity.
2. The granting will not adversely affect the health or safety of persons residing or working in the neighborhood, will not be detrimental to the public welfare, will not be injurious to property or improvements in the area, or undermine the Comprehensive Plan.
3. The granting is consistent with other chapters of the County Code, and County programs.
4. The granting for a material item or method is substantially equal to prescribed materials and methods.

13.30.300 Easements. The Utility may require any person seeking to connect to the Utility System to provide an easement for water or sewer system purposes as a condition to allow such connection. Easement widths will typically be twenty feet. Construction easements will be a minimum of thirty feet including the permanent easement. Under special circumstances, the Administrator or his/her delegatee may require alternate easement widths.

13.30.400 Inspections – Required. As a condition to the issuance of any permit or authorization by the Utility, each applicant shall consent to reasonable inspections by the Utility.

13.30.410 Inspections – Right of Entry. Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this article or other applicable health and safety law, the Administrator and his/her delegatee (Do we need to say his/her delegate? Our definition of Administrator includes authorized designee.) is authorized to enter such property at any reasonable time to inspect the site and to perform any duty imposed by this article. The Administrator or his/her delegatee shall first make reasonable efforts to contact the person responsible for the premises and shall present proper credentials to such person, and request entry onto the premises. If entry is refused, the Administrator and his/her delegatee shall have recourse to every remedy provided by law to secure entry. In the event of an emergency, the Administrator or his/her delegatee is authorized to enter the premises to inspect and to enforce this chapter without first attempting to contact the person responsible for the property.

13.30.500 Correction of unsafe conditions. Whenever the Administrator or his/her delegatee determines that any condition on any premise is in violation, is used contrary to any provisions

of this chapter, or is unsafe, the Administrator or his/her delgatee may order the correction or discontinuance of any such condition or activity causing such condition. The Administrator or his/her delegatee may take appropriate measures including the discontinuance of service to enforce any such order.

13.30.510 Unlawful discharges to county sewers. No person shall discharge or cause to be discharged, by direct or indirect means, any of the following wastes or substances into any part of the sewer system:

1. Any rainwater from downspouts or other surface or subsurface drainage.
2. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
3. Any water or waste which may contain more than 100 parts per million by weight of fat, oil or grease.
4. Any gasoline, benzene, naphtha, fuel oil or grease; or flammable or explosive liquid, solid or gas.
5. Any ashes, cinders, sand, mud, straw, hair, shavings, metal, glass, rags, feathers, tar, plastic, wood, manure or other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer system.
6. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewer system.
7. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewer system.
8. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plan.
9. Any noxious or malodorous gas or substance capable of creating a public nuisance.

13.30.600 Maintenance of utility systems. The responsibility of the Utility Division shall be limited to operation and management of water and sewer systems owned by the County, and it shall not have any responsibility with respect to private utility systems except on a contractual basis through a written agreement with the Board.

13.30.700 Water Conservation. The Utility Division may develop and administer any programs necessary to further water conservation or to comply with water conservation requirements of any local, state or federal agency having jurisdiction within the Utility Service Area.

13.30.800 Interlocal Agreements. The Administrator , with approval from the Board, may enter into such agreements with local, state or federal agencies or jurisdictions as may be appropriate in administering the provisions of this Title.

13.40 LATECOMER UTILITY HOOKUPS

13.40.010 Purpose. To allow for a process by which any person who pays the cost to install utilities within a public right-of-way to recover a pro rata share of the costs of construction from other persons (latecomer) who benefit from those utilities at a later date.

The authority to establish "latecomer" agreements and benefit areas shall be consistent with the powers and authorities provided by Chapter 36.94 RCW, and Chapter 35.91 RCW.

13.40.020 Application. Any person using private funds to install water or sewer utilities, improvements or appurtenances costing more than \$10,000 and within a public right-of-way may apply to the Utility Division for establishment of a latecomer agreement. The minimum expenditure level shall be adjusted annually effective on the first day of the year through a percentage increase which shall not exceed the lesser of the percent change in the Consumer Price Index, All Cities, Urban Workers and Clerical Workers (CPI) as published by the U.S. Department of Labor for the 12 months ending the preceding September or six percent.

13.40.030 Application requirements – fee. All applications for latecomer agreements shall be on forms approved and established by the Administrator and shall be accompanied by a non-refundable application fee to cover the County's expense in processing the application. This fee shall be as set forth in Title 18 LCC.

13.40.040 Contents of agreement. A latecomer agreement shall contain the following:

1. A legal description of the developer's property.
2. A legal description of the properties within the developer's proposed Latecomer Agreement Benefit Area together with the name and address of the owners of each property as shown on the records of the Lewis County Assessor.
3. Map of the proposed Latecomer Agreement Benefit Area showing the location of the Utility System improvements, parcels contributing to the original cost of the Utility System, and parcels benefiting from the Utility System improvements.
4. Itemized cost of construction signed and dated by a professional Engineer.
5. Method of calculating latecomer payments and proposed allocation of the cost of construction to the individual properties in the proposed Latecomer Agreement Benefit Area.
6. Expiration date of latecomer agreement or conditions under which the latecomer agreement shall be terminated. The maximum term of the agreement shall not exceed 20 years according to RCW 35.91.020.
7. Identification of the recipient(s) of any latecomer payments, time period of payment, and disposition of any unclaimed funds.
8. Identification of ownership of utilities after installation and responsibility of maintenance and repair.
9. Any provisions, covenants or restrictions deemed appropriate by the Utility Division.

Within 30 days of receipt of the application, the Utility Division will provide the applicant written notice of whether the application is complete and, if incomplete, what must be done for the application to be considered complete. The applicant will have no more than 30 days from the date of the written notice to respond and provide the information required to complete application, or a written explanation of why they cannot provide the information within the designated time period and a date that the requested information will be submitted. The Administrator or his/her delegatee may grant the applicant an extension of no more than 60 days to submit the required information. If the applicant fails to meet this time frame, the Utility Division may, in its discretion, reject the application as untimely.

13.40.050 Eligibility of applicants. Applicants for latecomer agreements shall be in compliance with all County ordinances, rules and regulations to be eligible for processing of latecomer agreements.

13.40.060 Rights and nonliability of county. The Utility Division reserves the right to refuse to enter into any latecomer agreement or to reject any application. All applications for latecomer agreements shall be made on the basis that the applicant releases and waives any claims for any

liability of the County in establishment and enforcement of latecomer agreements. Lewis County shall not be responsible for locating any beneficiary or survivor entitled to benefits by or through latecomer agreement. Any collected funds unclaimed by developers after three years from the expiration of the agreement shall be returned to parties making payment to the County. Any remaining undeliverable funds shall inure to the benefit of the appropriate utility or fund approved by the Board.

13.40.070 Latecomer agreement benefit area. The procedure to establish a latecomer agreement benefit area shall be:

1. The Utility Division will formulate a latecomer agreement benefit area based upon a determination of which parcels did and did not contribute to the original cost of such utility system improvement and which parcels may subsequently benefit from connection of those utilities. Connection can be by tapping or discharging into the utilities and beneficial users shall include users connected to laterals or mains.
2. The preliminary determination of area boundaries and potential assessments along with a description of the property owners' rights and options shall be given by registered mail to all affected property owners of record within the proposed benefit area. Owners of record shall be as shown on the records of the Lewis County Assessor. If any property owner requests a hearing in writing within 20 days of mailing of the preliminary determination, a hearing shall be held before the Lewis County Hearing Examiner. Notice of the hearing will be given to all affected property owners at least 10 calendar days in advance of the hearing. The Lewis County Hearing Examiner's ruling is final.
3. The latecomer agreement will be recorded by the County in the Lewis County Auditor's Office within 30 days of the final execution of the agreement. The agreement shall include notice of additional tap or connection charges as required in RCW 65.08.170. The applicant will pay for all recording fees and related expenses.
4. Once recorded, the latecomer agreement shall be binding on property owners of record within the assessment area.
5. The County will file a release with the Auditor's Office upon satisfaction of the latecomer's assessment.

13.50 DESIGN GUIDELINES

13.50.100 Design and Construction Standards. Water and sewer design and construction standards as contained within adopted Sewerage and Water General Plans shall serve as the design standards for systems.

13.50.110 Standard Specification. Design detail, materials and construction shall be in conformance with the most recent edition of the Standard Specifications.

13.50.120 Plan Format. All utility construction or reconstruction plans shall be prepared by and bear the stamp of a qualified Professional Civil Engineer licensed in the State of Washington. Final plans and profile drawings must be accepted by the County Engineer prior to the start of construction.

13.50.130 Submittal Procedure. Plans, profiles, details and general notes shall be submitted in accordance with submittal procedures provided by the Utility Division.

13.50.140 Inspection. All new utility work performed in the Utility Service Area shall comply with the provisions of this chapter. Any revisions to construction plans must be approved by the Administrator or his/her delegatee before being implemented.

The contractor or applicant shall notify the Utility Division in advance of any authorized work. Other requirements before commencement of work are: a pre-construction meeting or field review, permits, paid inspection fees, legal access, traffic control, erosion and sediment control, and performance surety.

13.50.150 Testing. All testing shall be performed at the contractor's or applicant's expense.

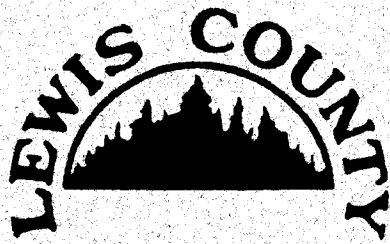
13.50.160 Bonding. Bonds or other allowable securities are required to guarantee the performance of and maintenance of new utility work by the contractor. The amount of the performance security shall be 125% of the cost of the improvements. The cost of the improvement surety shall be determined by a Professional Engineer subject to the approval of the Director. The maintenance surety shall be 25% of the cost of the constructed improvements, posted and maintained by the contractor for a period of one year from the date of acceptance by the Director. The maintenance bond shall guarantee the constructed facilities against defects and failures in workmanship.

13.50.170 Emergency Work Policy. Should the work of a contractor result in an emergency road or utility shutdown during normal working hours, the direct overtime costs of responding county personnel shall be billed to the responsible party.

13.60 WATER (RESERVED)

13.70 SEWER (RESERVED)

13.80 RATES (RESERVED)



Department of Public Works

Administration
Engineering Services
Traffic Engineering & Operations
Road Maintenance & Operations
Real Estate Services
Waste Management

2025 NE Kresky Avenue, Chehalis WA 98532 • 360-740-1123 • Fax: 360-740-1479 • TDD: 360-740-1480
www.lewiscountywa.gov

EXECUTIVE SUMMARY

BOCC: JULY 1, 2010
DEPARTMENT: PUBLIC WORKS
ITEM: PROPOSED ORDINANCE ESTABLISHING UTILITY DIVISION
WITHIN PUBLIC WORKS & ADOPTING UTILITY REGULATIONS
UNDER TITLE 13
CONTACT: TIM ELSEA, P.E.

Proposed Action: Hold a public hearing to consider an ordinance establishing a Utility Division within the Department of Public Works and adopting utility regulations under Title 13 of Lewis County Code.

Discussion: It is in the best interest of the citizens of Lewis County to establish a county utility division in which to serve local areas with water, sewer and stormwater management. This public utility will support growth and development consistent with the Lewis County Comprehensive Plan.

There is an immediate need to provide water service in the City of Vader in order to correct health and safety deficiencies.

RCW 36.94, authorizes a county utility division and outlines the requirements for the establishment of the utility and other necessary provisions for the management and operations of the utility system. This utility division will be created within the Department of Public Works consistent with the authority of RCW 36.97.120.

BOCC AGENDA ITEM SUMMARY

(Revised 09-16-08)

RESOLUTION #: _____

BOCC MEETING DATE: ~~July 12, 2010~~ July 26, 2010

SUGGESTED WORDING FOR AGENDA ITEM: _____

☒ Notice ☐ Consent ☐ Hearing

Notice for Public Hearing to adopt Ordinance to establish a Utility Division within the Department of Public Works and adopting Utility Regulations under Title 13 of Lewis County Code.

BRIEF REASON FOR BOCC ACTION:

To give notice that an Ordinance will be presented to the board during a public hearing on July 26, 2010 to establish a Utility Division within the Department of Public Works and adopting Utility Regulations under Title 13 of Lewis County Code.

SUBMITTED BY: Tim Elsea, P.E. PHONE: 2697 DATE SUBMITTED: July 1, 2010

CONTACT PERSON WHO WILL ATTEND BOCC MEETING: Tim Elsea, P.E.

TYPE OF ACTION NEEDED:

- | | |
|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Approve Resolution | <input type="checkbox"/> Call for Bids/Proposals |
| <input type="checkbox"/> Approve Ordinance (traffic or other) | <input type="checkbox"/> Bid Opening |
| <input type="checkbox"/> Execute Contract/Agreement | <input checked="" type="checkbox"/> Notice for Public Hearing *(see publication requirements) |
| <input type="checkbox"/> Other (please describe): _____ | |

*PUBLICATION REQUIREMENTS:

☒ Notice emailed to Clerk ☐ Not applicable

Hearing Date: July 26, 2010 (Must be at least 10 days after 1st publication date)

Publish Date(s): July 14th and July 21st (2 weeks for routine budget, property disposal/ auction or vacations)
(3 weeks for property lease)

Publications(s): ☒ EAST COUNTY JOURNAL ☒ CHRONICLE ☐ OTHER

ALL AGENDA ITEMS:

Department Director/Head: [Signature]
Prosecuting Attorney: [Signature]

Accounting/Budget & Payroll Items

Budget/Fiscal Director: _____
Chief Accountant: _____

HR Policy/Personnel Items

HR Administrator: _____

Banking or Revenue Items

Treasurer: _____

Fund: Utility

Department: _____

Total Amount: \$ _____

***APPROVALS
MUST BE
OBTAINED
BEFORE
SUBMITTING
ITEM TO BOCC**

CLERK'S DISTRIBUTION OF SIGNED DOCUMENTS:

Send cover letter: _____
(address of recipient) _____

File originals: BOCC mtg folder
File copy: Hearing/Bid Folder

Additional Copies:

Tim Elsea, PW
Merrilee Kenyon, PW
Kim Amrine, PW

Robert Johnson, CD

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON }
COUNTY OF LEWIS } SS

Andrea Ozretich, says that she is the legal clerk of

The Chronicle

a daily newspaper, which has been established, published in the English language, and circulated continuously as a daily newspaper in the City of Centralia, and in said County and State, and of general circulation in said county for more than six (6) months prior to the date of the first publication of the Notice hereto attached, and that the said Chronicle was on the 7th day of July 1941, approved as a legal newspaper by the Superior Court of said Lewis County.

And that the attached is a true copy and was published in regular issues (and not in supplement form) of said newspaper as Legal # 0736,

once each week for a period of 2

consecutive weeks

commencing on the

14 day of July, 2010

and ending on the

21 day of July, 2010 and both

dates inclusive, and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of

\$ 76.50

[Signature]

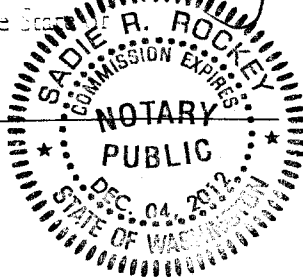
Subscribed and sworn to before me this

21 day of July, 2010

[Signature]

Notary Public in and for the State of
Washington, residing at

Chehalis



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Lewis County Board of Commissioners in the Historical Courthouse, 351 NW. North Street, Chehalis, Washington, on the 26th day of July, 2010. The hearing will be held on or after 10:00 a.m. to consider an Ordinance establishing a Utility Division within the Lewis County Public Works Department, creating a Chief Administrative Officer position for management and operation of a Utility Division, adopting Utility Regulations under Title 13 of Lewis County Code, creating a separate utility fund, authorizing agreements and other documents necessary, and setting authorized rates and assessments.

All those wishing to speak for or against the

Ordinance shall be afforded the opportunity to be heard. Said Ordinance is available to review and can be obtained from the Board of County Commissioners' Office. Written comments may be submitted to the Lewis County Board of Commissioners prior to or during said hearing.

Karri Muir,
Clerk of the Board
L#0736 July 14 & 21, 2010

10-058

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON }
COUNTY OF LEWIS } ss

The undersigned, on oath state that he/she is an authorized representative of The East County Journal, a weekly newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a weekly newspaper in Morton, Lewis County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper.

The notice in the exact form annexed, was published in regular issues of The East County Journal which was regularly distributed to its subscribers during the below stated period.

The annexed notice, a

Ordinance establishing a Utility Division,
Creating a Chief Administrative Officer
Position July 14 & 21, 2010
was published on

The amount of the fee charged for the foregoing publication is the sum
of \$ 56.70

Subscribed and sworn to before me this 21st day of July, 2010



Renae C. Justice
Notary Public in and for the
State of Washington
Residing in Centralia
Oreaska

NOTICE OF PUBLIC
HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Lewis County Board of Commissioners in the Historical Courthouse, 351 NW. North Street, Chehalis, Washington, on the 26th day of July, 2010. The hearing will be held on or after 10:00 a.m. to consider an Ordinance establishing a Utility Division within the Lewis County Public Works Department, creating a Chief Administrative Officer position for management and operation of a Utility Division, adopting Utility Regulations under Title 13 of Lewis County Code, creating a separate utility fund, authorizing agreements and other documents necessary, and setting authorized rates and assessments. All those wishing to speak for or against the Ordinance shall be afforded the opportunity to be heard. Said Ordinance is available to review and can be obtained from the Board of County Commissioners' Office. Written comments may be submitted to the Lewis County Board of Commissioners prior to or during said hearing.

Karri Muir, Clerk of the Board
(Published in The East County July 14, July 21, 2010)